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ADDRESS

~~Sub 966~~

TO THE

~~Sub. 3676~~
al.

HOUSE OF REPRESENTATIVES

OF THE

HAWAIIAN KINGDOM,

ON THE INEFFICIENCY OF HIGH DUTIES ON SPIRITS, IN PROMOTING TEMPER-
ANCE, MORALITY AND REVENUE, AND THE EXPEDIENCY OF LOWER-
ING THE DUTIES, IN CONFORMITY WITH THE STRONG
RECOMMENDATIONS OF THE

CHAMBER OF COMMERCE

OF

HONOLULU.

BY ROBERT CRICHTON WYLLIE, ESQUIRE,

MINISTER OF FOREIGN RELATIONS.

Honolulu, Oahu.

1851.

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Stephen Spaulding Mary Call
Col. Thos W. Spaulding
gilt
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Mr. Wyllie's Statement,

Of facts, in relation to the high duty on Spirituous Liquors, prepared for submission to the Special Committee of the House of Representatives, on matters of Finance.

It has been found, in all ages of the world, and by the experience of all nations, that the abuse of ardent spirits, or of any other liquor, capable of producing intoxication, has been a cause of disease, of poverty, of wretchedness and crime. This has been especially so with Indian tribes, who, in the use of such liquors, are less capable of self restraint, than the races of men farther advanced in civilization.

On these Islands, previous to their discovery by Cook, the natives intoxicated themselves by beverages of Ava. After their discovery, rum became known, and for many years produced most disastrous effects among the natives. The vice had gained great prevalency, during the life of Kamehameha I, who held it in such detestation, that he made abstinence from rum, a condition to the succession to the throne. It is well known that shortly before his death, he empowered Kaahumanu to depose his son Liholiho, if he should continue his habits of intoxication, and it is a well known fact that, on more than one occasion, she threatened to exert that power.

Nevertheless a strong taste for spirits had been created; by the journal of Don Francisco de Paula Marin, it appears that 1,330 gallons existed in the stores of the government, on the 30th Sept, 1819; but the first record that he makes of a general drinking among the chiefs, was on the 1st of December of that year. On the 3d of December, 1820, he states that all the people were drinking, but he makes no mention of King Liholiho's indulging, till the 6th February 1821. There is therefore reason to believe that the injunctions of His father, who died on the 8th May, 1819, had had some effect upon him, from that date till the 6th February, 1821. On the 26th February, Marin records, that there was a great drunkenness, firing of cannon and muskets; on the 10th and 12th March, he records, that the King was drunk from the 18th to the 31st May 1821, that he was drinking every day, and seldom in his senses; and from that period to the 27th November 1823, when he embarked for London, he appears to have lost all self command, and been generally either inebriated or sick.

The habits in which the King indulged had extended to many others; those habits continued after his departure, and the evil both to individuals, and to the state, became so apparent, that the ruling chiefs were at last roused to make an attempt to check, if not altogether eradicate a vice so destructive.

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On the 8th of December 1827, the present King issued a law which was printed, prohibiting the sale of all rum, under the penalty of imprisonment; on the 7th October he issued another law, which was countersigned by Kaahamanu, Governors Boki and Adams, and eight other chiefs, and which also was printed, rendering the retailing of spirits, murder, theft, &c, penal offences; in 1835, he enacted the law prohibiting drunkenness, and imposing a fine of \$6 in money, or a whipping of 24 lashes, one month's labor or one month's imprisonment, on all parties found in the street in a state of riotous intoxication; on the 20th March 1838, finding that the use of ardent spirits and other intoxicating liquors still continued, with great injury to the country, the King promulgated a law prohibiting the sale of spirits by any person whatever, under a penalty of \$50, for the first offence—of \$100 for the second—of \$150 for the third, and of \$50 more for every repetition of the offence, but with an exception from the penalty to those who sold spirits by the barrel or large cask.

It may interest you to know that while the King here, was seeking the prevention of a great evil to His subjects, by these laws, Queen Pomare, was pursuing a similar course at Tahiti. One of her laws, enacted in 1836, provided as follows :

“ Any person belonging to a vessel, on being convicted of selling spirits, or in any way bartering with spirituous liquors of any kind, either on board or on shore, shall have no further trade or communication with the shore, but shall leave the port immediately.”

These efforts made by the King, and Chiefs, to ameliorate the moral condition of the people, ought to have commanded the respect of foreign nations. They were made in virtue of the right inherent in every independent state, of carefully avoiding, as much as possible, whatever may cause its destruction, hinder the perfection of the people, or retard their social progress. The King and chiefs were interrupted in the philanthropic policy they had adopted, by Capt. Laplace of the French navy. He arrived on the 9th July, 1839—on the 10th issued a *manifesto* containing five demands, to be granted under the penalty of immediate war ; and, on the 17th, presented to the King, a convention of eight articles, the VIth of which provided as follows—“ French merchandise, or known to be of French procedure, and especially wines and brandies, shall not be prohibited, nor pay a higher duty than 5 per cent ad valorem.”

Thus in the brief space of eight days, was the whole policy of the King and Chiefs, in regard to wines, and spirits overthrown. The power of preventing the introduction of intoxicating liquors from abroad, was wrested from them, but not their power over domestic distillation. Believing that it would have some effect in checking intemperance, on the 1st of October 1840, they passed a law against the distillation of spirits from potatoes, sugar cane, &c., subjecting both the distillers and the drinkers to a fine, doubling itself by every repetition of the offence, and where the fine was not paid—to hard labor, or even confinement in irons.

The convention with Great Britain, of the 12th February, 1844, in its VIth article, stipulated as follows—“ British merchandise, or goods

recognized as coming from the British dominions, shall not be prohibited; nor shall they be subject to any import duty higher than five per cent ad valorem."

That convention was avowedly proposed by Great Britain, on the basis of the Convention with Laplace of the 17th of July, 1839, and to place British subjects, on the same footing on which the French had been placed. The only material difference, was in the words wines, and brandies, omitted in the VIth article of the British convention, and the words—"all the advantages which the English enjoy in the Sandwich Islands"—omitted in the VIIIth. The Consul General of Great Britain arrived under a commission from Her Majesty, Queen Victoria, to restore the Islands to their lawful sovereign, and to offer that convention. He had the great advantage over Capt. Laplace, of having spent some time on the islands, thirteen years before, during which he collected much information respecting them and their inhabitants. It was well known that he considered the vice of intoxication, extremely prejudicial to the natives, and hence he very readily consented to the additional article, to that convention, which you will find at page 25 of the appendix.

Encouraged by that favorable disposition of the British Consul General, the king ordered Mr. Judd, his then Secretary of state for foreign affairs, to address the Earl of Aberdeen, with the view of liberating his Majesty, entirely from the restrictions imposed by Capt. Laplace, as you will see by the two paragraphs of Mr. Judd's letter of the 15th February 1844, which you will find at top of page 26 of the appendix. From his Lordship's replies, of 1st July 1844, and 1st of May 1845, which you will find at pages 28 and 29 of the appendix, you will see that the British government did concert with the French, in the interest of the king's philanthropic policy, and that though the latter would not consent to a total prohibition of wines and spirits, yet they had very liberally consented to modify the VIth article, so as to allow of a high duty, provided it be not prohibitory, being levied on these articles.

Accordingly, the Treaties of the 26th March, 1846, with France and Great Britain, were jointly concerted, draughted and proposed by the governments of those two nations; and they were most reluctantly accepted by the king, under the assurances, on behalf of both governments, of future modification. These declared identical treaties, superseded all previous agreements, conventions, and treaties, with both nations, and modified the VIth articles of the conventions of Laplace and of Consul General Miller (that of 12th February 1844) as follows:—"French (or British) merchandise or goods recognized as coming from the French (or British) dominions, shall not be prohibited, nor shall they be subject to an import duty higher than five per cent ad valorem. Wines, brandies and other spirituous liquors are however excepted from this stipulation, and shall be liable to such reasonable duty as the Hawaiian Government may think fit to lay upon them, provided always that the amount of duty, shall not be so high as absolutely to prohibit the importation of the said articles."

Under the discretionary power possessed by the government, a joint resolution of the Nobles and Representatives of the Hawaiian Islands,

was agreed to and signed by the *King* and *Kuhina Nui*, on the 3d of April 1846. That Resolution imposed the following rates of duty :

\$5 per gallon, on brandy, rum, gin, whisky, arrack and all other distilled spirits not exceeding 55 per cent of alcohol.

\$1 per gallon, wines of all descriptions, other than claret, cordials, liqueurs, not exceeding 27 per cent of alcohol.

\$0 50 cents. per gallon, on claret wines, ale, porter, beer, cider, and all other fermented liquors, not exceeding 18 per cent of alcohol.

\$1 per gallon on claret wines, ale, porter, beer, cider and all other fermented liquors, cordials and liqueurs, exceeding 18 per cent of alcohol.

\$5 per gallon on wines of all descriptions, ale, porter, beer, cider, and all other fermented and spirituous liquors, exceeding 27 per cent of alcohol.

\$10 per gallon on distilled spirits, wines of all descriptions, ale, porter, beer, cider and all other fermented liquors, cordials and liqueurs, exceeding 55 per cent of alcohol.

Previous to the enactment of the above resolution, though every member of the government concurred in the opinion, that under the VIth article, which I have quoted, the king's government had the undoubted right to impose upon wines, brandies and all spirituous liquors, any duty they pleased, if it was only not so high, as absolutely to prevent their regular importation by the custom house, there was a difference of opinion as to the precise rate which should be imposed.

I, for one, considering the low rate that had previously existed—that notwithstanding the right under the convention of Laplace to levy a duty of five per cent ad valorem, on wines and spirits, the government had not levied a higher duty than 3 per cent ad valorem, till the 10th June 1815, even though a suggestion had been made through the public press, on the 1st July 1814, to raise the duty on all imports to five per cent ad valorem, excepting only imports for the personal use of all missionaries—that during all that long period, the imports of wines and spirits, were not large, nor was much intoxication visible among the natives—that all attempts at total exclusion by penal enactments, or by exorbitant duties had signally failed in other nations—I say from all these, and other considerations, I was of opinion, that a duty of \$2 per gallon, on all descriptions of spirits, indiscriminately, and without reference to their comparative strength, would be high enough. Another and a better man, now gone to his last account, recommended a simple duty of \$10 per gallon; that high rate was objected to, as certain to stop all lawful importations of French and British spirits, and thereby violate the treaties; another proposed \$5 a gallon, and after much said for and against, that rate was at last fixed upon, as one which Great Britain could not consider prohibitory, because she herself, at that very time, levied a duty of 22-6, or \$5 40 cents per gallon on the brandies of France, and which France was not likely to condemn, as unreasonable, both for that same reason, and because the duty that she herself imposed on British spirits was so high, as to exclude them altogether. Nevertheless it was distinctly understood that nothing

having even the semblance of a violation' of treaty should take place, for if the duty of \$5 per gallon, should stop, or materially diminish importations, that duty was to be lowered.

There was a still greater difference of opinion, in regard to including ale, porter, beer, cider, and all other fermented liquors, among the spirituous liquors, that the VIth article excepted from the general duty of five per cent *ad valorem*. It was contended by some, that they could not, by right, be so included, while others took the ground, that being all alcoholic, they were really spirituous liquors, more or less intoxicating, and therefore could fairly be subjected to a higher rate of duty. This opinion finally prevailed, but only with a distinct understanding, that the higher duty should be taken off, if it were objected to, as an infringement of the treaties which, so far as words are concerned, it undoubtedly was.

An objection having been made by H. B. M.'s Consul General, supported by Lord Palmerston, whose despatch the Consul Gen'l frankly made known to the king's government, the duty on fermented liquors was reduced, by order of the Minister of Finance of the 18th March, 1847.

By referring to the note marked C page 9 to the appendix of my report to your Honorable House of the 22d April 1850, you will find that Monsieur Dillon on the 30th March 1848, applied to the late Mr. William Paty, then Collector General of Customs, for liberty to land, for his private consumption, one barrel of wine, and one of brandy. The liquors were on board the *Ajax*, Capt. Letellier. Under the laws, Mr. Paty could not grant that permission, and its refusal gave occasion to M. Dillon's Protest of the 3d April, 1848, which you find at page 11 of the same appendix.

But it was not till the 11th and 14th November, 1848, that M. Dillon made any official demand, upon this Government, for the high duty it had imposed upon spirits, by the Joint Resolution of the 3rd April, 1846. This fact I brought to the cognizance of M. Perrin, with six important points for his consideration, as you will find at pages 48 and 49 of the Appendix to my Report of this year. M. Perrin evaded any special reply to those points, and in that, I think, he acted wisely; for no one can consider them, dispassionately, without arriving at the conclusion that, by her own tacit consent, France had fully acquiesced in the course pursued by this Government, under the 6th Article of the Treaty of the 26th March, 1846. Even supposing that she might have claimed a right of objection, under the wording of that article, she had not chosen to assert it, within any reasonable time, and under the most copious advices forwarded both by M. Perrin and M. Dudoit, she had ratified and formally exchanged the ratifications of the whole Treaty, without any objection to any part of or word in it, for even the word *WINE* still stands in the 6th Article, notwithstanding the Order of the 29th February, 1848, and the promises under which that order was given. But neither in good grammar, nor good logic, can it be contended that France, under the wording of that Article, (which was her own deliberate and concerted wording) had ever any right to object to any duty imposed by this Government on wines or brandies,

however high, provided, under that high duty, such articles should still continue to be imported at the Custom House. This is the stand which this Government have ever taken, and which they still maintain. This was the distinct understanding at, and after, the Conference of the 26th March, 1846; it was the ground taken by Mr. Judd, on the 5th October, 1848 (see page 16 of the Official Correspondence with M. Dillon); it was the ground taken by me, on the 15th January, 1849, (see page 133 of that Correspondence); and on the 25th August, 1849, with M. Dillon and Admiral de Tromelin (see page 10 of the Correspondence with those gentlemen); it was repeated on the 28th of August, by the King's Commissioners, on board the steamer Gassendi; it was confirmed by the clear and emphatic opinion of the British Consul-General, in his letter to Admiral de Tromelin, of the 27th of August, 1849 (see page 81 of the latter Correspondence); it was the argument submitted to your Honorable House on the 22nd of April, 1850 (see page 37 of the Appendix to my Report of that date); it was the right claimed for this Government in Paris; it was clearly asserted by me at the Conference with M. Perrin, of the 6th February last, (see page 23 of the Appendix to my last Report); that right was repeated in my Memorandums of 18th and 19th of same month (see pages 47, 49, 51, 56, and 58 of that Appendix); it was supported by the opinion of the late U. States Consul, Mr. Turrill, (see page 64); it was again asserted by me on the 22nd February last, (see pages 66 & 67); and, finally, the same ground was maintained in the JOINT DECLARATION, with M. Perrin, of the 25th of March last, published in the "Polynesian" of the 29th of that month, which admits of no possible misconstruction.

Having thus discussed the RIGHT of France, under the 6th Article of the Treaty of the 26th March, 1846, the next question which presents itself is her *interest*.

On the 15th of January, 1849, (as you will see at page 139 of the official correspondence), I had the honor to state to Mons. Dillon that there was not even the apology of a French interest to induce France to recede from her own voluntary and eminently honorable engagements, under the 6th Article of the Treaty of the 26th March, 1846. This important fact I have shown with great clearness to M. Perrin, as you will find in my Memorandums of the 18th and 19th February, with their annexed tables, from page 46 to 62 of the Appendix to my last Report.

The fact is, Mons. Dillon, for reasons best known to his own conscience, precipitated his Government into a demand opposed alike to the clear right of this Government, under the Treaty, and to the interest of his own countrymen, the French distillers of spirits. Thus, in this question, France has been arguing, all along, without right, and contrary to her own interests. It is only just to Mons. Perrin, to say, that he was not without a clear foresight of the favorable effect on French brandies, of a high duty, applying equally to them and to inferior spirits,—for a letter which he addressed to M. Dudoit, from Valparaiso, on the 20th August, 1846, cannot be otherwise understood. It is therefore to be presumed that M. Perrin could not, consistently with his own convictions, attempt any refutation of the arguments in

the above-mentioned Memorandums, either in regard to French *right or French interests* ; but waiving these questions entirely, in his note No. 9, of the 20th February last, (see page 64 Appendix) he reduced the question to its simple merits, as an abstract question of political economy and morality, in relation to encouragement of contraband, without decreasing the acknowledged evil of intemperance.

By referring to page 58 of the Appendix, you will see that on the 19th of February, I frankly admitted that that abstract question was one deserving of your serious consideration; and at page 67 you will observe that on the 22nd of that month, while adverting to the returns and resolutions of the Chamber of Commerce, I pledged myself, individually, to M. Perrin that if the question was presented in that shape, and divested of all charges of "hostility to France, or of bad faith in this Government, under that Treaty," I should advocate a repeal of the joint resolution of the 3rd April, 1846, on the grounds stated in the Report of the Chamber of Commerce, and the moral considerations recorded in his communications, for which I gave him great credit.

The moral considerations that I then had in my view, you will find at pages 43 and 65 of the Appendix. M. Perrin, in my opinion, deserved all the more credit for them,—that I had repeatedly shown him that the high duty had vastly increased the consumption of French brandy, and that any material reduction would diminish that consumption, by encouraging importation of British and American spirits. If you carefully examine Table A, at page 54, Tables 1, 2, and 3, at pages 59, 60, and 61, and the Tables at pages 69, 70, and 71, of the Appendix, you will find that fact demonstrated in figures as clear as any problem in Mathematics.

You will permit me to add, here, another Table, which if not useful, is at least curious :

YEARS.	Gross Imports of Goods paying 5 per cent. <i>ad val.</i>	Increase and Decrease.	Imports of Spirits consumed yearly, paying \$5 per gallon.	Increase.
1847	\$710,138		Gallons 3271	
1848	\$605,618 {	104,520 Decrease.	" 3443 {	172 Increase.
1849	\$729,736 {	124,118 Increase.	" 5717 {	2274 Increase.
1850	\$1053,058 {	323,322 Increase.	" 8252 {	2535 Increase.

From the above Table, you will see, at one glance, that while the gross importations of goods, paying only 5 per cent. *ad valorem* duty,

decreased from 1847 to 1848, nearly 15 per cent., the net consumption of spirits increased more than 5 per cent.—that while the former, from 1848 to 1849, increased 20 per cent., the latter increased 66 per cent.; and while from 1849 to 1850 the former increased 44½ per cent., while the latter increased also 44½ per cent.

You will find the data on which these calculations are founded faithfully taken from the able statistical Exhibit of the present Collector-General, Mr. Bishop, published in the "Polynesian," No. 38, of the 1st February last, and from the annual returns of his lamented predecessor. There are among you, good accountants, who can easily correct my calculations, if I have made any mistake. I believe them to be correct, beyond question, and what do they prove? Why, that it was madness in M. Dillon, to bring any charge against this Government, under the joint Resolution of 3d April, 1846—that it was wisdom in M. Perrin to desist from that charge, as a breach of Treaty, for, the benefit of that remarkable increase in the trade in spirits has accrued almost solely to France; and that it would be folly in this Government any longer to trust the great and good cause of temperance to a duty of \$5 a gallon on spirits, under which the consumption of spirits has increased, from year to year, in a far greater proportion, than the consumption of goods paying only 5 per cent. *ad valorem*.

This brings me to the Report and opinions of the Chamber of Commerce, already referred to. Frequent references had been made to the opinions of individual merchants of this city, of great respectability. While most ready to listen to their suggestions, and to profit by their practical wisdom, on a question deeply concerning the internal policy of the Government, in which a great nation sought to interfere, on grounds of Treaty right, and obligation, I did not think it proper or decorous to proceed in the way of private canvass. Of all ways that is the worst to elicit the independent and impartial opinions of men on any great principle of public policy. Under this conviction, I suggested to Mons. Perrin, that if we were to be influenced by the views of merchants, we should apply to them, collectively, as Members of the Chamber of Commerce, confining ourselves to matters of fact, and without seeking to make them partizans in a diplomatic discussion. This being mutually agreed, on the 8th of February, I addressed to H. N. Crabb, Esquire, Chairman of the Chamber of Commerce, the letter of which I append copy, marked No. 1. The blank form which it refers to, you will find printed at page 69 of the Appendix. In perusing these documents, you will see how carefully I avoided putting any leading question.

I also append copy, marked No. 2, of the translation of M. Perrin's note, of the 10th February, addressed to the same gentleman, who kindly furnished it to me on the 26th of that month.

And I add copies, marked No. 3 and 4 of Mr. Crabb's reply, of the 18th February, and of the ten resolutions unanimously adopted at a meeting of the Chamber, on the 14th, and signed by the leading merchants and men of business of this city.

By turning to my Dispatch to M. Perrin, No. 11, of the 22nd of February last, at page 65, you will find that I looked upon the Return of the Chamber of Commerce (see page 69), and the opinion expressed

that more intoxication had existed among the natives since the imposition of the high duty of \$5 per gallon on spirits, by the joint Resolution of the 3rd April, 1846, than what prevailed before, as altogether fatal to the ground taken by France, that by the imposition of that high duty the King's Government had violated the letter and spirit of the 6th Article of the Treaty.

If you peruse with care my Memorandum to M. Perrin, of the 6th of February, with its enclosures Nos. 1 to 16, beginning at page 23, and ending with page 39, you will find the clearest evidence, consistent throughout, that the *intention* of M. Guizot and of the Earl of Aberdeen, in framing the Treaty of 26th of March, 1846, was to discourage intemperance, in these Islands, by consenting to a duty on wines and spirits, not *prohibitory*, as the King's Government had asked for, but just as high as this Government might think proper to impose, provided it did not prove an absolute prohibition to their importation. Both statesmen, in the clear sense of their own words, undoubtedly expected such a duty as would favor temperance, by materially decreasing the usual importations, and such was the effect that this Government expected from the Joint Resolution of 3d April, 1846. Neither Government expected that by such a high duty as is distinctly provided for in the 6th Article, a great stimulus was to be given to the importation of brandies, for the benefit of France,—I may say almost exclusively—to the encouragement of contraband with all its concomitant immoralities, and, strange as it may appear, even to the increase of intemperance among the natives.

What I have already said, so clearly shows that remarkable increase of the consumption of spirits consequent on the imposition of the high duty, that any further illustration thereof may be deemed superfluous. The fact is a very important one, not only as it refutes all charges of breach of Treaty, but as it affects the cause of temperance on these Islands. If it be the fact that the duty of \$5 per gallon both increases the importations of brandy, and encourages intemperance, it is high time that the duty should be lowered. Having myself lived constantly in Honolulu during 492 days that spirits and wines could be imported at only 3 per cent. *ad valorem*, and during 297 days that spirits and wines could be imported at 5 per cent. *ad valorem*, I can say with great truth, that during those periods, I observed less intemperance both among the natives and foreigners, than I have observed since the high duty was imposed. It belongs to you to verify this fact, by the experience of others, and to ascertain, if it be true, as the Members of the Chamber of Commerce declare, that the high duty on spirits has led to a smuggling to the extent of two-thirds of the whole quantity that has been imported. It is of the utmost importance to determine, by evidence carefully and impartially taken, if it be true, that under our present system, in this very port, 900 barrels of brandy were clandestinely landed in one night, and 150 barrels in another night, as stated by M. Perrin, in his Memorandum of 8th February, (see page 43 of the Appendix)—as also whether it be true, that for the last four or five years, the chief profit of coasting vessels has been made by carrying brandy, secretly received on board from foreign ships in Honolulu to the small ports of the other islands, and there

selling it to regular customers, who secretly retail it out among the natives.

Assuming such opinions and assertions to be well founded, what do they establish? Why, that the consumption of spirits in 1847, in place of being 3271 gallons, paying \$16,355, was really 9813 gallons, which should have paid \$49,065,—that in 1848, the consumption, in place of being 3443 gallons, paying \$17,215, was really 10,329 gallons, which should have paid \$51,645,—that in 1849, the consumption in place of being 5,717 gallons, paying \$28,585, was really 17,151 gallons, which should have paid \$85,755,—and that in 1850, the consumption in place of being 8252 gallons, paying \$41,260, was really 24,756 gallons, which ought to have paid \$123,780. In short, by the admission of the above as facts, it would appear that in only four years, where the King's Treasury ought to have received \$310,241 for duties on brandy, it has only received \$103,415, being a loss of \$206,820 !

But great as the loss of revenue appears to be, what is still more to be regretted is, the influence of an organized system of contraband upon public morals. Everywhere, it leads to perjury, lying, bribery, deception, and all manner of corruption. I am not prepared to say that the smuggling of spirits here has really been so great as is assumed above, on the faith of the Chamber of Commerce, but that it has been great, and that the duty of \$5 per gallon has much increased it, and that, if continued, it will perpetuate it, I have not the smallest doubt. There is no man acquainted with the history of commerce, in all countries and in all ages, or having experience, as a merchant, in any country, who will say that so high a duty as \$5 per gallon on spirits can exist, anywhere, without creating a vast amount of clandestine importation and crime.

If the King's Government erred in their belief that they could regulate the importations of merchants, and the habits of the population, by merely enacting a law imposing a high duty, they only followed the example of older and more civilized nations. Some of you may not be aware, that in Great Britain, so long ago as the year 1736, an act was passed, whose preamble was as follows :

“ Whereas, the drinking of Spirituous liquor, or strong water, is become very common, especially among people of lower and inferior rank, the constant and excessive use of which tends greatly to the destruction of their health, rendering them unfit for useful labor and business, debauching their morals, and inciting them to perpetuate all vices ; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to future ages, and tend to the destruction and ruin of this kingdom.” The intention of said act was to uproot spirit drinking entirely, and, with that view, a duty of 20 shillings a gallon (almost precisely the \$5 imposed by our Joint Resolution) and a heavy license duty on the retailer of spirits were imposed. Extraordinary encouragements were held out to informers, and a fine of £100 sterling was inflicted on every one, who might sell the smallest quantity of spirits, on which the full duty had not been paid. But, in place of answering the ends intended, its effects were directly opposite. It is true the respectable dealers withdrew from a trade proscribed by law, but it was taken up by the low-

est and most profligate characters, who as they had nothing to lose, were not deterred by penalties from breaking through all its provisions. The populace espoused the cause of the smugglers and unlicensed dealers; the officers of the revenue were openly assaulted in the streets of London, and other great towns; informers were hunted down like wild beasts; and drunkenness, disorder and crimes increased with frightful rapidity. Tindall says—"Within two years of the passing of the act, it had become odious and contemptible, and policy as well as humanity, forced the Commissioners of excise to mitigate its penalties." During the two years of its unmitigated continuance, no fewer than 12,000 persons were convicted of offenses connected with the sale of spirits. But no exertion, on the part of the revenue officers and magistrates, could stem the torrent of smuggling. Upwards of 7,000,000 of gallons of spirits were annually consumed in London and its adjacencies, at the very time that their sale was forbidden by law. The act had originally been brought forward by the king's Ministers, moved thereto by fierce denunciations from the pulpit. But the Ministers were too wise to persist in a policy productive of unmitigated evil, merely because it had been recommended by preachers of the word of life. In 1742 the high duties were repealed and substituted by such moderate duties as were calculated to increase the revenue arising from the use of legally distilled and imported spirits, which experience had shown all the authority and power of the British Government had been unable to abolish. The bill for that purpose was vehemently opposed in the House of Lords by most of the Bishops, and many of the temporal Peers who exhausted all their rhetoric in depicting the mischievous consequences that would result from a toleration of the practice of spirit drinking. To these denunciations it was unanswerably replied, that whatever the evils of the practice might be, it was impossible to repress them by prohibitory enactments; and that the attempts to do so, had been productive of far more mischief than had ever resulted, or could be expected to result, from the greatest abuse of spirits. The great statistical authority, McCulloch, in whose pages these facts are recorded, says that *the consequences were highly beneficial. An instant stop was put to smuggling; and if the vice of drunkenness was not materially diminished, it has never been stated that it was increased.*

Can any of you be so unreasonable as to believe that what so signally failed in Great Britain, after an experience of six years, with all her hosts of excise and custom house officers, well-paid informers, and magistrates, and efficient army and navy, can possibly succeed, here, merely because we so will it, on the mere strength of a joint Resolution imposing a high duty, and of one tide-waiter, in the whole kingdom, starved on the scanty salary of \$300 per annum? Perhaps you may answer, it has succeeded, to the great benefit of the king's revenue, and in proof thereof, point to the great quantities that have been imported and paid the high duty since the 3rd April, 1846. It was exactly thus that the late Collector General, Mr. Paty, argued, as often as I made known to him, the intelligence communicated to me, that a vast deal of smuggling of spirits was going on. He never could be made to believe it, and his strong ground was, that if such facilities

of smuggling existed, no one would pay the high duty. Yet we have the respectable merchants whose names are appended to the Resolutions of the Chamber of Commerce, on the 14th of February last, vouching for the fact, that two THIRDS of the regular trade in spirits is by contraband, and that our high duty is utterly useless, so far as regards the welfare of the Hawaiian race.

No wise Government would disregard the weight of testimony so unequivocally respectable and disinterested. I myself am disposed to look upon it as a grave matter of fact, to be received as such, until it can be disproved by a searching inquiry. For several years I have seen men making fortunes, and building houses altogether disproportioned to the greatest possible profits of the regular business, in which they were ostensibly engaged; and as we have no gold diggings here, I have suspected that the true secret of such rapid enrichment was the evasion of the joint Resolution of the 3rd April, 1846.

In my whole experience, as a general merchant, I have never known a single country which presents such facilities for smuggling as these Hawaiian Islands. No custom house visit, so far as I know, is paid to ships, after their discharge, to ascertain whether they have completed it, according to their manifests, or still retain, in their holds, say even 1000 barrels of Brandy,—with that or a greater quantity of Brandy on board, they may remain months in port,—no coasting vessels are searched before they proceed to sea to the numerous bye ports of the Islands open to them, and where no one is on the look out for smuggling; I know of nothing, except the mere law, to prevent the secret trans-shipment of spirits from foreign ships to such coasting vessels, either in port, or by agreeing to meet for that purpose at sea, nor to prevent any foreign vessel, even from landing 1000 barrels of Brandy, in Honolulu itself, in twenty moonless nights, between the hours of one and two in the morning. How easy would it be, for the Captain of any vessel having spirits on board, to arrange with some one on shore, in a dark night, to send a launch, say with 50 barrels of 18 gallons each, at a given point, to be received by 50 stout men, all bribed to silence, to carry the whole, in one trip, without the slightest noise, to some large cellar in town, without the cognizance of a single soul in Honolulu, beyond the parties immediately engaged. And how easy would it be to repeat that operation, either during the same night, or in a succession of nights, until the whole supposed 1000 barrels of Brandy were safely disposed of.

I have known smuggling to an immense extent carried on, in Mexican ports, in all the ways that I have here supposed, under circumstances of far greater danger, and where the profit to be made was smaller. That nothing of the kind has been detected, is no proof that such things have not been done. Who is to make the detection, and is it to be supposed that, under the heavy penalties attached by existing laws to the smuggling of wine and spirits, the smuggler will not conduct his secret operations with far greater tact and precaution than the petty contrabandist of ordinary goods, on whose clandestine introduction, the penalties are comparatively small?

What you have to consider and examine is the positive averments

of the Chamber of Commerce, and whether the reward to the smuggling of wines and spirits does not incite the importer to run all the very little risk that would attend such operations,—all Hawaiian written laws and regulations notwithstanding.

The question of reward or incitement I will endeavor to make clear. Suppose a French ship of 500 tons arrives from Bordeaux (the most convenient port for the shipment of spirits) with a general cargo, assorted for this market. After laying in all the woollen, silk, linen and cotton goods, all the hardware, earthenware, glassware, shoes, gloves, trinkets, and articles of fancy and taste, that it would be prudent to invest, for so small a market, the ship would still have a vast deal of room; and the adventurer would naturally fill up with such bulky articles, as he might expect to pay a good freight on such spare tonnage. If he knew our duties on Brandy, and the facilities, here, of smuggling, he would naturally prefer that to all other commodities, as the most certain to pay him well. Beyond stowage for a general cargo of \$100,000, first cost, which would be quite enough for this market, he might bring say 1500 barrels of Brandy, of 18 gallons each, which would make 27,000 gallons. By an elaborate calculation, kindly furnished me, on the 4th January, 1848, by Monsieur Larancel, a well educated gentlemanly young man of Bordeaux, I have reason to believe that 100 gallons of Brandy, after allowing all charges and 10 per cent. for leakage, would cost in Honolulu \$76.55. Allowing 10 per cent. leakage, the above 27,000 gallons would be reduced to 24,300, which at \$76.55 for every 100 gallons, would have cost the importer, in Honolulu \$18,601.65. On his arrival, he finds himself with 1350 barrels of Brandy. He resolves to sell one third, or 450 barrels, or 8100 gallons, and for the same gets \$3 12 1-2 per gallons, which, according to the Chamber of Commerce, (see page 66 Appendix,) was the average price both in 1845 and 1850. He thus realizes \$25,312.25. He then in some of the ways I have mentioned as possible, arranges with some buyer to smuggle the remaining two-thirds, that is 900 barrels, or 16,200 gallons, each, (that is the importer and the buyer,) taking one half of the duty. He would thus sell at \$5.62 1-2, and would realize \$91,125. But it is not to be supposed that 900 barrels could be landed for nothing. Allow even \$10 to each native, for carrying each barrel from the boat, that would be \$9000. Allow \$5 for each barrel to the sailors, that would be \$4500 making in all \$13,500. But most likely the buyer would have to pay one half of the expenses; thus leaving only \$6750, which being deducted from the above \$91,125, would leave \$84,375, leaving thus to the importer \$109,637.25, from which deducting for costs and charges \$18,601.65, he would make a profit of \$81,035.60. Now I ask any of you to say whether such an enormous profit, can operate otherwise than not only as a reward and an incitement to contraband, but as a very great encouragement to all shippers from France to pour in Brandies into this market by every ship?

Let us see now how the accomplice on shore would fare.

His 16,200 gallons of Brandy would cost him as follows :

Price at \$5.62 1-2 per gallon, paid to the Captain, which is much higher than the buyer is likely to pay,	\$91,125.00
Half of smuggling expenses,	6,750.00
	<hr/> \$97,875.00

By adding 5 per cent water, he converts his 16,200 into 17,010 ; he bottles it off, and gets 85,050 bottles, and sells it at \$2.00 a bottle (I believe a fair average would be \$2.50) and he thus realizes

170,100.00

He thus obtains a profit of

\$72,225.00

Again I will inquire who of you will say that such a profit does not hold out a reward and incitement for every honest merchant in Honolulu, to button up his conscience in his pocket,—leave off his commission agency, and provide forever for himself and family, by two or three good brandy hits?

You will naturally be startled at such figures, and perhaps exclaim, Can such things be? I do not say that they are, but that our legislation renders them *possible*, without one jot or tittle of benefit to temperance, *tee*-totalism or any other *ism* except contrabandism. I know of nothing to render such large operations of fraud improbable except the want of adequate consumption and capital to conduct them, on so large a scale. But whether, on such a large scale, or a smaller scale, the principle remains the same, and it is this—that our fiscal system in regard to spirits holds out such an enormous premium to smuggling, and affords such vast means of bribery and corruption, as to render it utterly impossible that the Government, with its *small* or rather no *repressive means*, can ever prevent it, or even discourage it.

The example of Great Britain 115 years ago, in imposing a similar duty, with a view to temperance, justifies this kingdom for falling into the same political error, in the high duty imposed on spirits, by the joint Resolution of the 3d of April, 1846 ; but after being undeceived by experience, she repealed her act ; and so ought we, our said joint Resolution, if, after due enquiry, you convince yourselves, that it has increased intemperance, augmented the importation of spirits and the profit thereon, promoted bribery and fraud, injured the honest merchant, and cheated the King's revenue.

But you will naturally ask, what duties would you advise us to impose in lieu of those imposed by the joint Resolution of 3d April, 1846 ? I shrink not from a clear and unequivocal reply. You will observe that M. Perrin, with some dexterity, in his despatch No. 9, of the 20th February, last, (see page 65, of the appendix,) reminded me that at the time of the imposition of the high duty, I, individually, had recommended a duty of only \$2 per gallon. He did not contend that the mere expression of that individual opinion, bound the Government collectively, in any way whatever ; in fact, he thought so differently, that in the joint declaration of the 25th March 1851, he took care, voluntarily, to put in \$2 50 as a *maximum* of duty, to be submitted to your consideration. He knew well that the Chamber of Commerce had, unanimously, recommended a duty of only one dollar per gallon, but

he knew just as well that at that low duty, the demand for British and American spirits would revive, and that French Brandy would lose its pre-eminence in this market. For my own part, I would neither impose a duty of \$2 50, nor of \$2, nor of \$1, per gallon. The King being equally bound by Treaty to France, Great Britain, Denmark, Hamburg, and the United States, to allow to each the rights and privileges accorded to the most favored nation, I would instantly repeal the joint resolution of 3d April, 1846, which gives to France, over all the others, an undue advantage, for which she has not been as thankful as she ought to have been. I would place all other nations upon an exact footing of parity with her. Now, how is this to be done? It may be done in a very simple and easy manner.

1. Impose a duty of one hundred per cent, *ad valorem*, on Brandy and other Spirits distilled from grain or other materials, Cordials, Absynthe, Arrack, Curacoa, Kerschenwasser, Liqueurs, Maraschino and all other spirituous beverages of a similar character.

2. Impose a duty of 40 per cent, *ad valorem*, on burgundy, champagne, claret, madeira, port, sherry, and all other wines and imitations of wines.

3. Impose a duty of 30 per cent, *ad valorem*, on ale, beer, porter, cider, perry, in cask or in bottles.

4. Impose a duty of 20 per cent, *ad valorem*, on rum, brandy, and all other spirituous liquors distilled in the Hawaiian Islands from native produce, and allow a drawback of the full duty on all that may be exported for foreign consumption, (of course this presupposes the repeal of all existing laws that prohibit domestic distillation.)

5. Impose a duty of 8 per cent, *ad valorem*, on all wines and imitations of wines, made in the Hawaiian Islands, from native grapes, or other fruits, and allow a drawback of the full duty on all that may be exported for foreign consumption.

6. Impose a duty of 6 per cent, *ad valorem*, on all ales and other fermented liquors, brewed in the Hawaiian Islands, from native grains, and allow a drawback of the whole duty on all that may be exported for foreign consumption.

I would propose that the three first should take effect only after 12 months from the date of publication, to allow time for stocks to work off, and for all vessels coming from foreign ports to know the law before they could import a cargo under it. Such a delay would also be indispensable in the case of the 3rd suggestion, to allow time to obtain the consent of the British and French Governments to it,—for you will see that the wording of the 4th Article of the British and French Treaties does not allow of any higher duty being imposed on ales and other fermented liquors than 5 per cent. *ad valorem*.

So far as Great Britain is concerned, I would by no means apprehend any difficulty, for she has not been an interested nation in her policy towards these Islands; and for the reasons above stated, I feel confident that Consul-General Miller would cheerfully receive and support such an application to his Government. Although opposed to all Utopian Teetotalism, there is no more decided or more consistent enemy to intemperance, on these Islands, than the British Consul-

General. He shewed this in the most unequivocal manner, both during the Conferences that preceded the Treaty of the 12th February, 1844, and the Treaty of the 26th March, 1846, and he would the more readily support such an arrangement, if it afforded, in his mind, a hope of freeing the King from any further contention about spirits, on which his views were very frankly made known to Admiral de Tromelin.*

But there is no reason why all laws contrary to the immediate adoption of suggestions Nos. 4, 5, and 6 should not be at once repealed. It is due to the interests of Hawaiian planters and agriculturalists that they should be repealed, and they may be repealed, without any injury whatever to the cause of Temperance. It no more follows that because people make spirits, they are to drink it, than because a miller makes flour, he is to eat it.

I would propose, that for the described foreign imports, the duty *ad valorem* should fall upon the prime cost, increased by adding commission, packing, portorage, shipping charges freight, insurance, and interest of money up to date of manifest. This would neither occasion trouble nor delay, for every merchant knows that all such charges, excepting sometimes interest, are nicely calculated, and added to the prime cost, in every invoice. To guard against undervaluing, by *spurious invoices*, I would have a clause authorizing the Collector-General, or any of his Collectors, to take the goods so appearing to be undervalued, at the value declared, with an augmentation of so much per cent. on that declared value, as might be equal to the average profit of such articles at the time, to be ascertained by three impartial merchants of the place.

Allow me to shew how this system would work practically. For the sake of clearness, I shall take first, the article of French brandy. I have already shewn on an authority, on which I fully rely, that 100 gals. brandy imported from Bordeaux, adding all charges as above, would cost the importer in Honolulu—

100 per cent. duty on cost and charges, would be	\$76 55
exactly - - - - -	76 55
Allow the importer 100 per cent. profit on cost and charges, that would be - - - - -	76 55
Allow 5 per cent. commission on \$229 65c., that would be - - - - -	11 48
Allow for landing, storage, and petty charges - - - - -	5 0
The 100 gals. would cost the spirit dealer - - - - -	\$246 13
Add for his profit, say only 50 per cent. - - - - -	123 6
The retailing price of 100 gals. then swells up to - - - - -	\$369 19
or \$3 69c. per gal.	

This rule would equally apply to British, American, and all other foreign spirits, allowing to them the full advantage of their greater cheapness, without violating the principle of equality, in regard to

*This was written before I had any knowledge of the new British Treaty, announced in my letter to Mr. Parsons, of the 16th June.

France, for 100 per cent, *ad valorem*, is a fluctuating amount, varying with the price on which it is calculated.

But I have to mention another argument in favor of my three first suggestions. The duties proposed correspond exactly with those established by the Tariff of the United States, enacted in 1846, and which I believe is now in force, in the Ports of California and Oregon, with which we have so much intercourse. I hold it to be of vast consequence, not only for the sake of the revenue, but even of temperance, that our duties on wines, spirits, and ales, should assimilate, as much as possible, to the duties levied in those ports. Higher duties, here, will keep the prices of those articles higher in these Islands, and stimulate shipments of them to our ports, which they know to be so completely devoid of all means of detecting, and of repressing smuggling.

In due consistency with the principles herein-before advanced, and with the facts adduced, I would abrogate entirely and at once the words—"provided brandy, wines, and other liquors which have an intoxicating effect, be entirely excluded from that trade or barter, any vessel trading or bartering in which, shall wholly forfeit the advantage of this Resolution"—which words now stand in Section 1 of the Joint Resolution of the 15th of June, 1847. I should like to know of what earthly use such a proviso is, in the case of whalers touching at the Ports of Hilo, Kealakeakua, Hanalei, or even Lahaina. A whaler may well land there, or barter \$1000 worth of brandy, and still claim all the exemptions allowed under that very section. It is a mere mockery of temperance, to have temperance in our laws, and smuggling and intoxication in our practice; or to prescribe rules to men at war with their profits and their passions, when we have no means to enforce such rules, or even to know when they are observed.

There is not one among you who holds intemperance and all its accompanying bestialities, in more utter disgust than I do. Nor is there any one more anxious to see the Hawaiians a sober, industrious, chaste, and honest people. If I could persuade myself that the repeal of the laws I have mentioned would injure them, in any of those respects, I would be the last man that would vote for their repeal. Some of you may think that these very laws have made the population an eminently temperate people, in comparison with nations who are governed by men without the lights of Teetotalism. Let us dispassionately enquire if this be the fact.

According to the valuable statistical data of Mr. Armstrong, in the Census, which he published, the whole population of the Islands, in 1849, was 80,641. It was proved that the population had been decreasing at the rate of 8 per cent. per annum. By this rule it may be assumed that the population in 1850 was 74,176 souls. Now, by the equally valuable statistical table of Mr. Bishop, which you can peruse in the "Polynesian" No. 38, of the 1st February last, you will find that 8252 gallons of spirits were consumed during the year. Assuming that that was correct, and that 24,756 gallons were *not consumed*, though that it was, is to be inferred, from the Report of the Chamber of Commerce, every Hawaiian man, woman, and child, including also

all foreign residents, consumed of spirits, 0·111 of a gallon. Well, you will say, this looks mighty well, and so it does, till we compare it with tippling Godless Ireland, so notorious for its drunken brawls, its crimes, and insurrections. But how stands the case with unhappy Hibernia? Look with astonishment at the following Table :

YEARS.	POPULATION.	CONSUMPTION OF SPIRITS PER HEAD.	
		OF BRITISH SPIRITS	OF FOREIGN SPIRITS.
1802	5,451,002	0, 12 of a Gallon	0, 18 of a Gallon
1812	6,036,008	0, 04 "	0,001 "
1821	6,801,827	0, 003 "	0,001 "
1831	7,767,401	0, 002 "	0,001 "
1838	8,055,771	0, 002 "	0,002 "
1841	8,179,359	0,0015 "	0,002 "

If any one doubts these figures, I shall be happy to shew them, in Porter's Progress of the British Nation, published in London in 1847. They incontestably prove that, with all our professed temperance and teetotalism, the population of these Islands consumes more ardent spirits, annually, than even Ireland !

Supposing that the gallon of brandy costs the Hawaiian only \$1 50 cents per bottle, that would be \$7 50 cents per gallon, so that 111th part of a thousandth of a gallon costs the Hawaiian 83 cents yearly. But let us suppose that he obtains his gallon for the mere \$5 of duty, the same fractional part of a gallon would cost him 55½ cents yearly. The following Table will shew what the Irishman had paid, yearly, to the British Revenue, for his drop of comfort, at the same periods :

YEARS.	Spirits.	Mean duty per gal.	Mean contribution to the Revenue per head.	Differential duty on British and Foreign Spirits.
		s. d.	s. d.	s. d.
1802	British	6 7½	0 4½ & ⅛	5 6½
	Foreign			8 6
1812	British	11 5½	0 2½ & ⅛	10 3½
	Foreign			12 7½

1821	{ British Foreign	{ 15 0 $\frac{1}{4}$ & $\frac{1}{2}$ }	{ 0 0 $\frac{1}{4}$ & $\frac{1}{8}$ }	{ 11 9 17 3 $\frac{1}{2}$
1831	{ British Foreign	{ 15 6 }	{ 0 0 $\frac{1}{4}$ }	{ 8 6 22 6
1839	{ British Foreign	{ 15 9 }	{ 0 0 $\frac{1}{4}$ & $\frac{1}{8}$ }	{ 9 0 22 6
1841	{ British Foreign	{ 16 1 }	{ 0 0 $\frac{1}{4}$ & $\frac{1}{8}$ }	{ 9 4 22 10

Thus the Hawaiians, not only, under our restrictive laws, consume more ardent spirits, annually, than the Irish, but are vastly more taxed for the luxury.

But that is not the worst of those laws,—a worse consequence is, that by raising too high the price of good liquors, which, in moderation, are not injurious to health, they lead the natives to inebriate themselves with *ava*, and other compounds which, even used in moderation, are deleterious.

From the above Table, it will be seen, that the British Government from 1802 to 1842, often varied their scale of duties, but always taking care to impose a higher duty upon the spirits that were of foreign origin. Protection of native industry, was, therefore, at the bottom of their system, but it is not at the bottom of ours,—for we altogether prohibit the native manufacture, and allow foreigners to enrich themselves, by having the monopoly of a trade which cannot be extirpated, but, on the contrary, is growing upon us, with gigantic strides. For the sake of clearness, I will demonstrate this in tabular form :

YEARS.	ESTIMATED POPULATION.	SPIRITS CONSUMED YEARLY.	PROPORTION ANNU- ALLY CONSUMED PER HEAD.
*1847	94,069	3271 Gallons.	0,034 per head.
†1848	87,092	3443 „	0,039 „
1849	80,641	5716 „	0,070 „
1850	74,176	8252 „	0,111 „

* † I have estimated the population of these years, by adding eight per cent upwards from 1849,

From this, it is quite clear, that in only four years, the ratio of consumption of spirits, per head, has very nearly quadrupled itself, while the number of native drunkards has visibly increased every successive year. Even the worthy Editor of the Polynesian, (who is no friend to strong waters,) in his paper of the 7th of this month, publishes the letter of a very persevering correspondent, containing a lamentation on the drinking propensities of the natives in and around Kalepolepo, of which it would puzzle the well meaning writer, to give one such example on the Islands, previous to the 3d April, 1846. I fear there are many Kalepolepos throughout the Islands.

But, perhaps the writer of that letter, and some of yourselves may contend, that taking the natives generally, they consume very little spirits, and that the unusually large ratio of consumption in this Kingdom, is almost wholly owing to the foreign residents. By taking this ground, you only pitch yourself from one dilemma to be transfixed on the horn of another. For why should foreigners in this kingdom, if such be the fact, consume more per head, than they do in any other country, unless it be in consequence of our faulty legislation? There is nothing peculiar in the climate or topography of the Islands, as compared with other countries, that can or ought to convert white men, here, universally into drunkards. But there is a peculiarity in our legislation, and if that peculiarity seduce white men from the paths of sobriety, into those of reckless and shameless intemperance, surely that affords the strongest reason, why that vicious legislation should be reformed, even for the sake of the natives themselves, for the example of so many drunken white men, (I speak hypothetically,) must tell powerfully on the habits of the natives.

According to the census of my good friend, Mr. Armstrong, published with his interesting report of 22d April, 1850, I may assume as follows :

That the foreigners married to white wives, and native wives, and unmarried, amounted then to,	1045
And their children, white, and half-breed,	917
	<hr/> 1962

including 77 Protestant Missionaries, male and female Assistant Missionaries, and 129 children, and including 25 Catholic Priests and lay Missionaries. The Protestant Missionaries, with their wives and children, I believe to be universally teetotallers, and I would here remark, without intending any offensive levity, and still less, personality, that according to all outward indications of health laid down by physiologists, the system does not seem to be favorable, either to their complexion or their health. But upon this point, the physicians of Honolulu, would be better authorities than I can pretend to be, and also, upon the point, whether those intractable complaints, arising from relaxation, as I have heard asserted, be far more prevalent among the disciples of strict teetotalism, than those who, less scrupulous, follow

which was the rate of yearly decrease established by Mr. Armstrong's census. Perhaps the population of these years may have been some thousands less, but that would only very slightly affect the ratio of consumption per head.

the advice given by St. Paul to Timothy. Although the Catholic clergymen are not teetotallers, and present an appearance of more robust health, yet, I believe them to be, without exception, *temperate*, and I shall therefore include them, with the 231 persons to be deducted from the 1962 foreign individuals, (adults and children,) on whom we are to lay the consumption of 8252 gallons of spirits in 1850, in order to screen the natives from the charge of participating in the consumption of ardent spirits. I shall also deduct 788 children, exclusive of the 129 missionary children, which will leave 943 foreigners as the consumers of 8252 gallons of ardent spirits in 1850. To consume that quantity of spirits, each man and woman would require 8.708-943ths gallons of spirits in the year. In this, there would be nothing impossible, for it would be only forty three bottles for each man and woman, during the year ; but looking at the average consumption per head, as it has been calculated in those nations which are most addicted to the use of spirits, it is *enormous*. Even dividing the consumption among the whole 1962 foreigners, including children, and missionaries of both denominations, the average, per head, would be still upwards of four gallons yearly, which is greatly beyond that of the most drunken nation that I know of, either in the old or the new world. This remarkable phenomenon in the Hawaiian Kingdom, must have a cause, and if that cause be not our fiscal system, I ask you to say, what it is ?

I am quite aware that no reduction can be made in the duties on spirits without exciting much clamor on the part of many highly respectable and well meaning men. But statesmen and legislators ought to be above the influence of clamor or private passion, in the consideration of all measures for the public good. I have already shown you that in 1742, the British Legislature did not regard the clamor of the Bishops, nor their own self love, when they repealed the restrictive act of 1736. The sinister predictions of many well meaning men were then disappointed, and so, I believe, it will be here.

On the subject of a restrictive policy, McCulloch observes :

“ Our policy, if we may apply this term to so revolting a display of short sighted rapacity, has had no other effect than to lessen the public revenue and enjoyments of the people, to injure our trade with Holland, and to foster and promote the ruinous and destructive practice of smuggling. The enormous duties on Geneva, Brandy and Tobacco, have led to the formation of the coast guard, and the preventive water guard, costing together, about £400,000 a year, and yet, notwithstanding this outlay, and notwithstanding the innumerable penalties and punishments to which he is exposed, the trade of the smuggler is not put down, but is, on the contrary, in a peculiarly flourishing condition ; and so it will, in despite of every thing that can be done for its suppression, till these duties are adequately reduced. We believe our Gin manufactories have nothing to apprehend from a reduction of duties on Geneva to ten shillings a gallon. The lower classes, who are the great consumers, prefer English Gin to every other stimulant. Nothing would have so much influence in improving the quality of the latter, as the admission of Geneva at a moderate duty. It

would also have the beneficial effect of putting an end to the manufacture of the spurious compounds sold under its name."

In another place, the same author says :

"The price of Brandy, in bond, varies at this moment, from three shillings to five shillings a gallon, (imperial measure,) while the duty is no less than twenty two shillings, ten pence. Had the imposition of such a duty taken away the taste for brandy, it would have been comparatively innoxious. But it has done no such thing. Its only effect has been to convert a trade, that might otherwise have been productive of the most advantageous results, into a most prolific source of crime and demoralization. The temptation to smuggle, occasioned by the exorbitancy of the duty is too overpowering to be counteracted by the utmost penalties of the law. All along the coasts of Kent and Sussex, and the districts most favorably situated for running spirits, almost the whole of the laboring population are every now and then withdrawn from their ordinary employments, to engage in smuggling adventures. The efforts of the revenue officers to seize foreign Brandy and Geneva, have, in innumerable instances, been repelled by force. Bloody and desperate contests have, in consequence, taken place. Many individuals, who, but for this fiscal scourge, would have been industrious and virtuous, have become idle, predatory and ferocious ; they have learned to despise the law, and to execute summary vengeance on its officers."

"It is surely impossible that a system like this, evincing in every part, a degree of ignorant rapacity, to be paralleled only by that of the savages, who to get at the fruit, cut down the tree, should be permitted for a much longer period, to disgrace our fiscal code. Those only, who are anxious for the continuance of smuggling, with all its consequent crime and misery, can be hostile to a reduction of the duty on brandy. By fixing it at ten shillings a gallon, neither the consumption of British spirits, or that of rum, would be sensibly affected. The middle classes would, however, be able to use brandy on occasions when, perhaps, at present, they use nothing ; its clandestine importation would be prevented ; those engaged in smuggling would be obliged to have recourse to industrious pursuits ; and the manufacture of the abominable compounds, that are now so frequently substituted in its stead, would be put an end to."

Mr. McCulloch was right that such a system would not long continue. In 1846, the duty on foreign spirits was reduced to fifteen shillings per gallon.

The experiment from 1736 to 1742, was not the only one which the British Government had made. Mr. McCulloch states as follows :

"Perhaps no country has suffered more from the excessive height to which duties on spirits have been carried, than Ireland. If heavy taxes, enforced by severe fiscal regulations, could make a people sober and industrious, the Irish would be the most so of any on the face of the earth. In order to make the possessors of property join heartily in suppressing illicit distillation, the novel expedient was here resorted to, of imposing a heavy fine on every parish, town land, manor land, or Lordship, in which an unlicensed still was found ; while the

unfortunate wretches found working it, were subjected to transportation for seven years. But instead of putting down illicit distillation, these unheard of severities rendered it universal, and filled the country with bloodshed and even rebellion. It is stated by the Rev. Mr. Chichester, in his valuable pamphlet on the Irish distillery laws, published in 1818, that the Irish system seemed to have been formed in order to perpetuate smuggling and anarchy. It has culled the evils of both savage and civilized life, and rejected all the advantages which they contain. The calamities of civilized warfare, are, in general, inferior to those produced by the Irish distillery laws ; and I doubt whether any nation of modern Europe, which is not in a state of actual revolution, can furnish instances of legal cruelty commensurate with those which I have represented."

" These statements are borne out to the fullest extent by the official details in the Reports of the Revenue Commissioners. In 1811, say the Commissioners, (fifth report, page 19,) when the duty on spirits was two shillings six pence per gallon, duty was paid in Ireland on 6,500,361 gallons, (Irish measure,) whereas, in 1822, when the duty was five shillings six pence, only 2,950,647 gallons were brought to the charge. The Commissioners intimate that the annual consumption of spirits in Ireland, was, at this very period, not less than 10,000,000 of gallons ; and as scarcely 3,000,000 paid duty, it follows that 7,000,000 were illegally supplied ; and taking one million of gallons as the quantity fraudulently furnished for consumption by the licensed distilleries, the produce of the unlicensed stills may be estimated at 6,000,000 of gallons. Now, it is material to keep in mind that this vast amount of smuggling was carried on in the teeth of the above barbarous statutes, and in despite of the utmost exertions of the police and military to prevent it ; the only result being the exasperation of the populace, and the perpetration of revolting atrocities, both by them and the military. In Ireland, say the Commissioners, it will appear from the evidence annexed to this report, that parts of the country have been disorganized, and placed in opposition, not only to the civil authority, but to the military force of the government."

" The profits to be obtained from the evasion of the law, have been such as to encourage numerous individuals to persevere in these desperate pursuits, notwithstanding the risk of property and life, with which they have been attended.

" To put an end to such evils, the Commissioners recommended that the duty on spirits should be reduced from five shillings six pence, to two shillings the wine gallon, (two shillings four pence the imperial gallon,) and government wisely consented to act upon this recommendation. In 1823, the duties were accordingly reduced ; and the following official table will show what has been the result of this measure."

I omit the elaborate table which follows, showing the results from 1821 to 1843, inclusive. What they were will appear from the following remarks :

" It may appear, on a superficial view of this Table, as if the consumption of spirits in Ireland, had been nearly trebled in consequence of the reduction of the duty in 1823. But in point of fact, it was not,



in any degree, increased. The reduction of the duties substituted legal for illicit distillation, and freed the country from the perjury and other atrocities that grew out of the previous system ; but it would be wholly erroneous to say that it increased drunkenness."

The same system led to similar results in Scotland. Evidence was obtained before the Commissioners of Revenue, that in the Highlands alone, 2,000,000 of gallons of spirits yearly, were illegally, distilled ; that in several districts, the excise officers were deforced, and durst not attempt to do their duty, and that the smugglers carried their whiskey to market, escorted by armed men, in defiance of the laws.

To arrest the progress of demoralization, the government, "pursuant to the judicious advice of the Commissioners," reduced the duty on Scotch whiskey, to the same level as that on Irish whiskey, and the consequences were equally satisfactory.

So it was also in England. The same Commissioners mention that in November, 1823, when corn spirits might be purchased in Scotland at about two shillings three pence a gallon, raw spirits could not be purchased in England for less than four shillings six pence, ready money, and four shillings nine pence, credit, omitting in both cases, the duty. In consequence of this state of things, the ADULTERATION OF SPIRITS was carried on to a great extent, and the large profits made by the smuggler, occasioned clandestine importation in considerable quantities from Scotland and Ireland. At that time, the duties on English spirits in England had been for some time eleven shillings eight pence per gallon. To remedy the evils above described, the duties in England were reduced to seven shillings a gallon, in 1826. Many complaints had been made of the influence of this measure, in increasing drunkenness ; but, (says McCulloch,) nothing can be imagined more completely destitute of foundation. He adds :

"How much soever, we may deplore the prevalence of gin drinking, we may be assured that the evil is not one which can be cured, or even mitigated, by increasing to any considerable extent, the existing duties on spirits. Such increase would substitute illegitimate for legitimate channels of supply ; it would injure the public revenue, and diffuse among the populace, the idle, disorderly, predatory habits that mark the character of the smuggler, and it would do all this, without lessening in any degree, the vice of drunkenness."

To show what a very small increase of duty will promote smuggling, I may mention that that effect followed, in a sensible degree, in 1830, when only six pence a gallon was added to the duty, and *again* in 1840, when only four pence was added.

Now the question is, are we to profit by the experience of others, and our own, or are we not ? I say our own, for I hold it to be undeniably proved, not speculatively, but by the stern testimony of irrefutable facts, that our fiscal system, however well intended, and however proper in the government *as an EXPERIMENT*, has not discouraged intemperance, or the consumption of spirits—has not improved the morals of the people, but while holding out an enormous premium to the smuggler, has not even benefitted our revenue. In order to show this, I shall again make free with the valuable statistics of Mr. Bishop. If

you will turn to his Table published in the *Polynesian*, No. 38, of the 1st of February last, you will see that the aggregate importations of 1847-8-9 and 1850, were 10,683 gallons, which, at \$5 per gallon, would yield \$53,495 to the revenue. But supposing that where one gallon has paid duty, two gallons have been smuggled, as declared by the Chamber of Commerce, (and if you dismiss their Report without seriously enquiring into its truth, you will not act wisely,) then the importation of spirits during these four years, must have been 32,049 gallons. Now, a duty of only \$2 a gallon on that quantity, would have yielded \$64,098, to the revenue; whereby the King's revenue would have benefitted precisely \$10,603, during these same four years, without adding one gallon to the quantity consumed, or making one additional drunkard.

The duty that I have suggested, of one hundred per cent *ad valorem*, would not be so high, per gallon, but it would be more effectual in preventing smuggling, and perhaps the consumption would soon swell up to 15,000 or even 20,000 gallons, per annum.

What a death blow to temperance and morality, that would be, you will say! And you would say so truly, if you could prove that the cheapness and abundance of ardent spirits, must necessarily be accompanied by increase of drunkenness and crime. But if you look dispassionately, around you, among the nations of the world, you will find the fact to be the reverse. The most temperate nations in Europe, are Spain, Portugal and Italy, yet they are wine and brandy producing countries. As compared with the English, Scotch and Irish, the Dutch, Danes, Norwegians, and even the Americans, those nations are essentially water drinkers, but will any one in his senses, compare the notorious libertinism, addictedness to the knife, and to rapine, of those same temperate nations, with the high toned virtue and morality that characterize their less temperate neighbors?

It is well known that the French, as a nation, who supply the world with so much wine and brandy, are more temperate than either the British or the Americans; but are public morals more pure or chaste, or is crime less frequent in France than in England or the United States?

My native country, Scotland, ranks high among the nations, for its stern morality, strict observance of the Sabbath, its educational institutions, the solidity of its banking corporations, and the rareness of crime, relatively to the population. Yet, you will be surprised to hear that it is the very country that consumes most spirits per head. In 1841, it was calculated that the average consumption of British spirits in Scotland, was 2'25th gallons per head; in England 0'51, per head, and in Ireland 0'80 gallons each. From the latter, you will see, by referring to the table before given, that in 1841, the greatest quantity of spirits consumed in Ireland, must have been smuggled. Still the Scotch consume nearly three times as much as the Irish, though drunkenness and crime are not nearly so prevalent in Scotland as in Ireland. To explain this phenomenon, for which, I dare say, few of you were prepared, I cannot do better than quote from Porter's *Progress of the British Nation*, which I have already referred to. He remarks as follows:

“The calculations which have been made concerning the consumption of ardent spirits in this Kingdom, so far as it can be shown by the revenue accounts, will afford but little satisfaction to many persons, who see an intimate connexion between the degree of that consumption, and the moral condition of the people. It appears that taking into account home made, colonial, and foreign spirits, the average consumption, throughout the Kingdom, is somewhat greater now, than it was at the beginning of the century ; and it is hence inferred that the vice of intemperance has gained an accession to the number of its votaries. The particular examination of this subject belongs more properly, to another section of this enquiry, and will not be further entered upon, here, except to show that if, in the year of the greatest consumption, the quantity used had been equally divided among the people, the share of each would not have been quite the tenth part of a gill per diem, a quantity that might be taken with impunity, by any one advanced beyond the stage of infancy. It is true, there is a very great proportion of people in this country, who never taste intoxicating drink ; but it is very possible, and, considering the general progress of society, as regards the means of commanding conveniences and luxuries, it is even probable that the number who practice this degree of abstinence, is constantly becoming less ; it by no means follows, however, that an absolute and even a great increase in the general consumption of ardent spirits, affords certain evidence of increased intemperance. It might even be, that the quantity consumed throughout the country, might be doubled, while the general character for sobriety would be improved.”

And I would here remark that M. G. R. Porter, from whom I have just quoted, is no novice or mere theorist in matters of trade and finance ; like Mr. McCulloch, and like Mr. Joseph Hume, he is a man of facts and figures, whose statements are respected by the greatest of modern statesmen, both of England and of other European States. If Mr. Porter's opinions required confirmation, those of you who may have read McCaulay's History of England, will find it there, and those of you who have read the Polynesian, No. 5, of the 15th, will see it re-echoed in an extract therein published.

Be not, therefore scared, I beseech you, into the false notion that because I suggest a system of duties that may have the effect of increasing consumption, I am hostile to the good and righteous cause of temperance, or that intemperance is to be the necessary result of that increased consumption. I have patiently waited the issue of the *experiment*, and I have stoutly defended the right of the government to make the experiment ; but unless my comprehension of the facts and results, be singularly distorted, the *experiment* has signally failed, and therefore ought to be abandoned. In saying so, I advance only an individual opinion ; I compromise no one of your Honorable House, or of the House of Nobles, or even of the King's Government, for with none have I consulted. It was only from the King himself, that I thought it necessary to ascertain, whether it would offend His Majesty, if I should state my deliberate convictions on this subject ; I found it would not, and I now fulfil both my sense of duty

to our Sovereign, my sense of duty to my own conscience, and my promise to M. Perrin, in my Dispatch before quoted, in suggesting to your Honorable House, the abandonment of a system opposed to the lights of the age, condemned by the experience of the last hundred years, and contrary to the best interests of this Kingdom.

Mr. Porter has shown that during the year of the greatest consumption of spirits in Great Britain, it had not exceeded the tenth part of a gill a day, or the 320th part of a gallon, per head, without increasing intemperance. The same thing might occur in these Islands, where, calculating the population at only 74,176, (as already stated,) at that rate the consumption per day, would be 231 gallons, and by the year, 84,315 gallons, while at only one dollar duty per gallon, as recommended by the Chamber of Commerce, the revenue would be \$84,315 a year.

But supposing we take the rate of consumption, per head, of the notoriously temperate, religious, orderly, well behaved Scotch, viz : 2,28 gallons, per head, a year ; that rate, for 74,176 Hawaiians would be 169,121 gallons of spirits, yielding to the King's Exchequer, annually, even at a duty of fifty cents per gallon, \$84,560.

But you may say, away with your English, and away with your Scotch. We wish to make the Hawaiians a better people than either. And to that I would reply, may God help you to do so ; but, in the name of all that is chaste, pure, and holy, why not attempt first to put down the scandalous traffic in prostitution, carried on to a deplorable extent, by the resort of young females to those ports where foreign ships abound, and favored, not to say encouraged, by the great facilities of their transit from one Island to another ? With a view to putting an end to this abominable branch of *industry*, if such it may be called, I drew up, last year, the sketch of an act to check this great evil, through the machinery of passes to be granted only to those females who could give a satisfactory account of their object in visiting sea ports. That act, I understood, met with no favor from any one of the Legislature.

Now, is there one among you so little versed in christianity as not to know that between the unlawful use of women, forbidden by the law of Christ, and the use of brandy and wine, not forbidden by the law of Christ, but forbidden by the law of the teetotallers, there lies an immense difference ? Is there one among you so unacquainted with the New Testament, as not to know that *teetotalism* is no precept of *christianity* ? I fear some of you have been deluded in these respects, and will think me scarcely in my senses, when I tell you that teetotalism is founded on no plain injunction of the gospel, or even the example of our blessed Lord and Saviour Jesus Christ, but only on the principles of the false prophet Mahomet, which will be found in Chapters 2 and 5, of the Koran. Long before Mahomet's day, the Egyptian lawgivers had called in the aid of religious imposture, against the use of wine ; and the heretical Munichœans, who started into existence about the year 277, of our Lord, carried their profane zeal against wine so far, as to forbid its use in the Lord's Supper. Thus, teetotalism, like free masonry, in essence, though not in name, may lay claim to considera-

ble antiquity ; but an antiquity of a kind, rather anti-christian than christian.

But what I have here said, is not to be understood, in a sense disparaging to *teetotalism*, as a mere human commandment. What I object to, is its being taught and inculcated as a christian doctrine, and as I understand the Gospel of St. Matthew, Chapter XV, Verses 9, and 11th, I consider that I have a very christian authority for that objection ; let those who think otherwise, read, and carefully consider Chapter XIth, of the same Gospel, and Chapter II, of that of St. John.

But intemperance and drunkenness are incontestably forbidden in scripture, and I am free to confess, that to all who are in the degraded condition of having lost the power of self-restraint, if they taste liquor, (who, fortunately, are few in all countries,) their only safety lies in total abstinence. I am no enemy to teetotalism, in such cases, nor in fact, in any case whatever, provided it be not obtruded upon us, as a religious doctrine, that the use of wines and spirits is to consign us to that place where there is eternal weeping and gnashing of teeth ; and teetotalism presented to the imagination of the simple minded, in such magnified proportions of christian duty, and obligation, as to induce them to seek for religion, *pure and undefiled*, not in the pages of scripture, but in a fountain of cold water. The effects of such a delusion are absolutely pernicious to good morals, for its tendency is to withdraw the attention of mankind, from the cause of the widow, the orphan, and the stranger, and other christian duties of active benevolence, inculcated by our Saviour, and fasten their hopes of salvation upon the mere exercise of self denial, in regard to the use of strong drinks.

Nevertheless, among the votaries of teetotalism, there are many men, friends of my own, who practise and recommend that system, in the spirit of the purest benevolence, and whose walk and conversation prove that it is possible to do so, without forgetting other more difficult duties prescribed by Christ, as those which lead the christian through the strait and narrow path to the 'wicket gate.' It would be, no doubt, an easy way to arrive at that goal, to which we all aspire, if we could open a canal leading straight to it, and could paddle ourselves thereto, along the surface of a stream ; but scripture affords us no warrant for such a presumption ; it prescribes for us a more thorny and difficult path ; it tells us that charity will cover a multitude of sins, but it does not tell us that cold water will blot them out ; and it has instituted *wine* as the emblem of the precious blood of our Saviour, shed for our redemption.

May I ask, reverently, did our Saviour, by giving men a taste of wine, at his table, intend to throw a stumbling block in the drunkard's way ?

As a christian, I contend for that degree of righteousness which may be measured by the precepts and example of our Lord ; and that description of sin which may be made out clearly by the rules which he has left to guide us to salvation. Any church that contends for more than this, is not an orthodox church ; and any minister

who inculcates more, does not preach sound doctrine, and I would eschew such edification. Any one who will either add or detract from the doctrine of Christ, is none of his. The *anathema* contained in the 18th and 19th verses of the 22d Chapter of the Book of Revelations, might be added, (were addition not forbidden,) so much the more appropriately to the four gospels, as the words of Christ himself, are more to be revered, than the words of St. John the Divine.

But it is not contrary to scripture that men should make vows to the Lord, that they will subject themselves to mortification for his glory, and the good of their own souls.

By turning to the VIth Chapter of Numbers, you will find the law of the Nazarites under the Mosaic dispensation; and by referring to verses 11th and 12th of Amos, you will see that to give a Nazarite wine to drink, was displeasing to God. Now why was it so? Not because the use of wine, in general, was displeasing to God, but because the Nazarites voluntarily came under a vow to the Lord to abstain from wine and all intoxicating liquors, to let their hair grow without cutting or shaving, and in other respects to observe a greater degree of purity than other men. Of this class were Sampson and John the Baptist. Such vows of Nazariteship do not appear to have been abolished after Christ, hence St. Paul took such a vow at Corinth, cut off his hair at Cenchrea, and fulfilled the remainder of his vow at Jerusalem. It does not appear that either in the Old or New Testament times, the Nazarites used to induce others to take the same vows, or took those vows with a view to benefit any but themselves. Upon the same principle, devout Catholics take vows to abandon the world and shut themselves up in convents, that they may the better devote themselves to the service of God. In the same sense I can conceive that a voluntary teetotaller, if he sticks to his pledge, may derive some inward grace himself from its observance, but except in the case of helpless drunkards, as before mentioned, I question whether the teetotaller should attempt any proselytism, or to prescribe rules to the people as to what they should eat, what they should drink, or what they should put on. My own opinion is that all God's blessings are to be received, with the giving of thanks, asking no questions for conscience sake, and where gospel truth has made us free, it is not for presumptuous man to impose restrictions.

These remarks, I offer, as connected with the question of the duties on spirits, only so far as you may consider yourselves fettered by religious obligation, from considering it, dispassionately. It is not my opinion, nor the opinion of any man, that ought to influence you in a matter which addresses itself to your judgment, and not to your passion. I have submitted to you facts, or what I believe to be facts. These facts are proper subjects for your independent enquiry; it is for you to verify them by evidence and research, or compare them with others, warranting opposite conclusions which you may obtain.

I pretend to no infallibility in such matters, though I have had some experience in them, and though I know that the principles which I advocate, accord with those of the highest modern authorities, in the science of political economy. I claim as a right to make those prin-

ciples known, in the year of light 1851, and I have no fear that for their avowal, my character, ten years hence, will suffer, either as an economist or a moralist. But I as fully admit your right to pass, and enforce laws, by a vote of the majority, contrary to these principles, and to every other of political economy, and even of public good, so long as such laws conflict with no existing Treaty. Here there is no Treaty which obliges you, further than as I have before explained; and however much I would deprecate the adoption of such a policy. I would say that France, of all nations on earth, would have the least reason to object, for you would be only exercising the right to govern yourselves badly, in matters of commerce and finance, which she herself, has exercised, and most pertinaciously adhered to, since 1687, to this day. The famous financier Colbert, only confirmed this system; it was extended in the tariff of 1791, which, from beginning to end, was a system of prohibitions; it was attempted, on a broader scale, by the great Napoleon, under his continental system, and was even applauded so late as 1832, by a Select Committee of the Chamber of Deputies. How atrange it is that a nation, otherwise, so advanced and enlightened, should be so far behind other nations, in all that concerns the general improvement of the agriculture, trade and revenue of the country!

In what I have herein before said of the neglect of this government, from the 17th July, 1839, to the 10th June, 1845, a space of five years and three hundred and twenty eight days, to exercise its right to raise the duties on wines and spirits, from 3 per cent to 5 per cent, I am not to be understood as grounding thereon any argument against their sincerity in the cause of temperance. After Laplace, in 1839, had punished the king and chiefs, so severely, under a charge that they had executed the Treaty of 1837, contrary to the sense in which it had been intended, consented to and signed,—which they all knew positively, not to be the fact,—it was natural to suppose, that after Laplace, might come another to punish them, in a similar manner, under some pretence connected with *his* Treaty. In fact, they were bewildered, both in their ideas of words and figures; they were sure that two and three made five, in their arithmetic, but they did not know that the question of whether three and two did not make more than five, in *foreign arithmetic*, might not involve them in a diplomatic debate, of endless duration. This may appear to you too absurd to be true, but it is not one whit more absurd than that because this government had imposed a duty on spirits, greatly extending the consumption of French Brandy, increasing the profit on it and driving all other spirits nearly out of the market, a French Consul and Admiral should land a hostile force, destroy the only place of strength in the King's capital, with all the munitions of war, carry off His Majesty's yacht, and haul down the French flag, as you know they did in August, 1849?

But from this, you may reasonably infer one comfort, which is, that if France has punished us for doing her good, upon the opposite principle, she ought to reward us for doing her harm, and nothing will so much injure her trade, in brandies, as such a reduction in the rate of

duties, as will revive the taste for British and American spirits. This was clearly pointed out to M. Perrin ; in fact, his own judgment had never been at fault in regard to the effect of the high duty on French Brandy ; he wrote to M. Dudoit, from Valparaiso, on the 20th of August, 1846, in terms which clearly showed that he foresaw the favourable working of the high duty, as regards French spirits ; I called for that letter, and he shewed it to me,—and I only blame him for making such a stout defence of blunders, not his own.

In conclusion, I recommend to your serious consideration the tabular statement marked No. 5, hereto appended, shewing how deeply British and American interests are involved in this question, and also to the tabular statement marked No. 6, which will rectify many erroneous ideas, entertained by well intentioned men, otherwise well informed, in regard to the supposed necessary connection between the consumption of ardent spirits and national immorality.

And I repeat, that for my mere opinion, I claim no respect whatever, but for the facts that I adduce, I respectfully claim an impartial enquiry.

Presented to the Honorable House of Representatives, on Wednesday, the 18th June, 1851, under requisition of that House, communicated on the 16th, to the undersigned.

R. C. WYLLIE.

No. 1.

Rosebank, 8th February, 1851.

SIR :—In the course of negotiations pending between me and the Commissioner of the French Republic, it is of great moment that I should know from the best sources, the following, viz :

1. The prime cost of Brandy in France, and how much per cent upon prime cost, \$5 duty per gallon amounts to
2. Ditto ditto of American Whiskey.
Ditto ditto of American Alcohol.
Ditto ditto of American Rum.
Ditto ditto of American Peach Brandy.
Ditto ditto American Cider Brandy.
3. Ditto ditto of British Rum in bond.
Ditto ditto of British Gin.
Ditto ditto of Scotch Whiskey.
4. Ditto ditto of Danish spirits.
5. Ditto ditto of Holland Gin.

6. Ditto ditto of Catalonian Brandy.
7. Ditto ditto of Chilian Aguardiente.
8. Ditto ditto of Peruvian Aguardiente.
9. Ditto ditto of Mexican Aguardiente.
10. Ditto ditto of Manilla Rum.
11. Ditto ditto of Bengal Rum.
12. Ditto ditto of East India Arrack.
13. Ditto ditto of Chinese spirits.

That I may be the better understood, and to save your time—I inclose a form in blank, to be filled up.

If I may ask so much, I would request you to convoke the members of the Chamber so soon as possible, on this special subject ; and that they would favour me with a return, signed by those who may agree to its perfect correctness, and permit me to make use of it, for official purposes.

You may add any particular spirit of known consumption here, and you can omit, in your return, those respecting which, the data may be doubtful. And if you think proper to add any explanations, they will be thankfully received.

With much respect, I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed.) R. C. WYLLIE.

H. N. CRABB, Esquire, Chairman of the
Chamber of Commerce.

No. 2.

[TRANSLATION.]

HONOLULU, 10th February, 1851. }

Mission of France at the Sandwich Islands. }

MR. PRESIDENT :—Engaged with the Hawaiian Government in a discussion respecting the law of the 3rd April, 1846, which establishes the duty to be paid on the importation of Brandy into the Sandwich Islands, I have to beg you to furnish me with the result of the operation of that law, so far as may have come to the knowledge of the Chamber of Commerce.

In concluding the Treaty of the 26th March, 1846, the two contracting parties sought particularly to protect the native race from the abuse of spirituous liquors ; I wish to know if the end has been attained ? If the laws of the 6th of April, 1846, and the 27th September, 1847, in limiting the cultivation, and use of ava, and in condemning to a fine of \$500 whoever should sell Brandy to the natives, have not effected all that it was possible to do, and if the law of the 3rd April, 1846, is not completely useless, so far as regards the Hawaiian race ?

Does not that law encourage a considerable contraband trade, and consequently a demoralization of the people concerned therein, besides leading to disturbances of the peace of the realm ?

Does not this shameful traffic paralyze the regular trade ?

Does it not amount to two-thirds of the regular trade ?

Can you not give me precise information on this subject ?

Does not the American as well as the European, to whom the use of Brandy is necessary, have to pay immeasurably high for it.

Has not the importation of Brandy higher than 55 per cent. of alcohol strength completely ceased to the increase of that of less than 55, or rather is not the first quality introduced exclusively in a contraband manner?

If you will have the kindness to answer to these various questions, sir, I beg that you will be good enough in concluding to indicate to me an equitable duty which would appear to you to correspond with the philanthropic views of the parties to the Treaty of the 26th March, 1846.

Receive, Mr. President, the assurance of the distinguished consideration with which, I have the honor to be

Your very humble and very obedient Servant

(Signed.) EM. PERRIN,

Commissioner of the French Republic.

To the President and Members of the
Chamber of Commerce, Honolulu.

No. 3.

CHAMBER OF COMMERCE. }

Honolulu, February 18th, 1851. }

SIR :—I have the honour to enclose you a copy of the Resolutions adopted with great unanimity, at a meeting of the Chamber of Commerce.

So far as the questions contained in the *schedule* submitted by you for consideration, could be answered, they have been, but not from printed or written data, consequently the Members declined to affix their signatures.

It is herewith returned, in obedience to Resolution No. 2.

I remain,

Sir,

Your most obedient Servant,

(Signed.) H. N. CRABB, President.

His Excellency, R. C. WYLLIE,

Minister of Foreign Relations, Hawaiian Government.

No 4.

RESOLUTIONS

Passed by the Hawaiian Chamber of Commerce, at a Meeting held on the 14th February, 1851.

Resolved 1st, That the letters received from R. C. Wyllie, Esq., and Monsieur Perrin, be taken up in detail, and such information given as may be in the possession of the Members of the Chamber.

Resolved 2nd, That the schedule of the Minister of Foreign Relations submitted to the Chamber of Commerce be returned, accompanied by a letter, stating that after mature deliberation, the Chamber of Commerce do not find themselves in the possession of data, to warrant them in giving the opinion desired by Mr. Wyllie, in regard to the exact prices of the Liquors mentioned, in the

countries where they are produced, and, therefore, are unable to fill up the schedule, with "*perfect correctness.*"

Resolved 3rd, That the result of the operation of the law of 3rd of April, 1846, placing a duty of \$5 a gallon on Brandies, and other Liquors, under 55 degrees of alcoholic strength, has been decidedly prejudicial to the natives, it being the opinion of those members who are old residents of these Islands, that prior to the passage of that law, very little intoxicating liquor was used by the natives in comparison with the quantity they now appear to consume.

Resolved 4th, That in the opinion of this Chamber, the laws of this government passed on the 6th of April, 1846, and 27th of Sept. 1847, limiting the cultivation and use of Ava, and mulcting any person in the penal sum of \$500, who should sell Liquor to any native, were calculated to do all that could be done to keep the natives from the use of spirituous liquors, and that the law of the 3rd of April, 1846, placing a duty of \$5 per gallon on spirits is entirely useless, so far as regards the welfare of the Hawaiian race.

Resolved 5th, That in the opinion of this Chamber, the high duty on spirituous liquors, encourages to a great extent, a contraband trade, which must have a demoralizing effect on all concerned therein.

Resolved 6th, That the contraband trade paralyzes the regular trade.

Resolved 7th, That it amounts to more than two-thirds of the regular trade.

Resolved 8th, That the American and European, to whom the use of Brandy is necessary, have to pay immeasurably high for it.

Resolved 9th, That the importation of Brandy of a quality higher than 55 degrees of alcholic strength, has nearly, if not entirely ceased, excepting for medical purposes, and that, in the opinion of this Chamber, considerable quantities of such description have been introduced in a contraband manner.

Resolved 10th, That one dollar per gallon is a sufficient duty on any liquor, not exceeding 55 degrees of alcoholic strength.

(Signed.) H. N. CRABB, President and Chairman of Ex. Com.
Geo. F. HUBERTSON, Member of Executive Committee.

B. F. SNOW,	"	"	"
ROB. C. JANION,	"	"	"
A. B. HOWE,	"	"	"
R. COADY.			
JAMES MAKEE.			
R. W. HOLT.			
DUGALD MACTAVISH.			
F. ROD. VIDA.			
HENRY ROBINSON.			
JOSIAH C. SPALDING.			
H. SEA.			
C. S. BARTOW.			
H. HACKFELD.			
JOHN MEEK.			
ORNAN G. CLIFFORD.			
D. PENHALLOW.	} By H. N. Crabb.		
F. A. NEWELL.			

No. 5.

CALCULATIONS shewing the interests that France, Great Britain, and the United States have in the Brandy question, agitated in the Hawaiian Islands.

	Yearly productions of Brandy from the vine.	Yearly productions of other ardent spirits.	Average Export to Great Britain for 10 years from 1830 to 1839.	Average Export to all countries for 10 years from 1830 to 1839.
France.	5,225,000 Gallons (Under the high duty of \$5 per gallon, in the Hawaiian Islands, a taste has been created for the better quality of Brandy to the exclusion of all other spirits.)	Pipes. Spirit of } 1,200 Fecula. } Spirits from } 6,000 molasses & } Beet-root. } Spirits from } 1,000 Potatoes } Apples, &c }	Gallons. 1,771,155. Average value of ditto. 6,787,721-1-2 francs.	Gallons. 4,127,740. Average value of ditto. 15,563,661-8-10 fcs.

These are only approximations to the truth, for I have searched in vain, for any clear and distinct tabular classification of spirits in the French Dictionary of Commerce, such as is usual in the statistical returns of Great Britain and the United States.

Great Britain and Ireland in 1849.	Total quantity of proof spirits distilled.	Total quantity of Rum imported to the United Kingdom.	Total quantity retained for home consumption.	Total quantity of spirits distilled, and Rum imported.
England. 10,444,709 Scotland. 8,117,844 Ireland. "	5,318,526 Gallons. " " " "	Gallons. 5,306,827.	Gallons. 3,039,862.	Gallons. 29,187,906.

In 1840, there were in England, 106 Distillers and Rectifiers ; in Scotland, 215, and in Ireland, 112.

The duty on home-made spirits is 7s. 10d. per gallon in England, 3s. 8d. in Scotland, and 2s. 8d. in Ireland. For the year ending 5th January, 1850, that duty amounted in England to £3,546,023 ; in Scotland to £1,271,417 ; and in Ireland to £29,777 ; in all, £4,847,217 of Revenue.

U. States of N. America in 1840.	Distilleries.	Gallons distilled.	Breweries.	Gallons brewed.	Men employed.	Capital invested.
In all the States. }	10,306.	41,402,627.	406.	23,267,730.	12,223.	\$9,147,368.

